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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,898	04/08/2004	Eduard Hendrikus Johannes Damhuis	FMCNV122547	8863

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EXAMINER

SORKIN, DAVID L

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/820,898

Applicant(s)DAMHUIS, EDUARD HENDRIKUS
JOHANNES**Examiner**

David L. Sorkin

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08 August 2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, there is lack of antecedent basis for "the drum". Though "a drum assembly" is recited, this is not considered sufficient antecedent basis for "the drum". Likewise, in independent claims 27 and 34, there is lack of antecedent basis for "the drum". Additional, in claim 27, it is unclear if the "drum assembly" is a required element of the claimed structure. The preamble statement "distribution system for an agitating retort having a shell structure and a drum assembly" suggests that the drum assembly relates to what the claimed system is "for" rather than being a required element of the system; however, the later statement "disposed within and carried by the drum assembly" suggest a requirement for the drum assembly. In any case, the claim must be amended to particular point out which elements are required elements of the claimed structure. Similarly, it is unclear if the "shell structure" is a required element of the claim. Likewise, in claim 34, it is unclear if the drum assembly and shell structure are required elements or mentioned with regard to an intended use of the claimed distribution system.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 27-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Armbruster (US 856,384). Regarding claim 27, Armbruster ('384) discloses a system comprising distribution outlets (p') disposed within and carried by a drum assembly (1,2); and a rotary coupling (5,6,7,8,9,10,11,11',12,13,14,15) in flow communication with the outlets to direct processing fluid from the exterior of the drum during rotation of the drum. Regarding claim 28, a distribution line (p, p'') is for interconnecting the rotary coupling with the distribution outlets disposed within the drum. Claim 29 discusses a shell structure which is not clearly positively recited as an element of the claimed structure. Regarding claim 30, the rotary coupling comprises portions defining a fluid receiving annulus in fluid flow communication with a source of processing fluid and in fluid communication with said distribution outlets (see Figs. 1, 3 and 4). Regarding claim 31, a hub assembly is coupled to one end portion of the drum assembly, the rotary coupling integrated to the hub assembly (see Fig. 1). Regarding claim 32, the hub assembly is rotatable by a torque source (see Fig. 1). Regarding claim 33, a flow controller restricts or blocks flow (see page 2, lines 106-110). Regarding claim 34, Armbruster ('384) discloses a system comprising distribution lines (p') disposed within a drum assembly (1,2), at least some of the distribution lines comprising outlets for

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directing processing fluid into the drum assembly; and a rotary coupling (5,6,7,8,9,10,11,11',12,13,14,15) in flow communication with the lines. Claim 35 discusses a shell structure which is not clearly positively recited as an element of the claimed structure. Regarding claim 36, the rotary coupling comprises portions defining a fluid receiving annulus in fluid flow communication with a source of processing fluid and in fluid communication with said distribution lines (see Figs. 1, 3 and 4).

5. Claims 1-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (US 629,617). Smith ('617) discloses an agitating retort comprising a shell structure (b); a drum assembly (f) rotatable with in the shell structure, said drum assembly adapted to receive containers (g); a process fluid distribution system (a) positioned within the drum to distribute processing fluid within the drum; and a rotary coupling in fluid communication with the distribution system to direct processing fluid from the exterior of the drum to the distribution system within the drum during rotation of the drum within the shell (see Fig. 1).


Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David L. Sorkin whose telephone number is 571-272-1148. The examiner can normally be reached on 9:00 -5:30 Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David L. Sorkin
Primary Examiner
Art Unit 1723

DLS